

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB-LFG

RIO CHAMA STREAM SYSTEM
Section 1, Chama Mainstream

Subfile No. 287

MOTION FOR SUBSTITUTION OF PARTIES

Pursuant to Fed. R. Civ. P. 25(a)(1), the Plaintiff State of New Mexico, *ex rel.* State Engineer moves the Court to substitute MATTHEW R. MONTOYA, RAY E. MONTOYA, SR., and PETRONILA J. MONTOYA for defendant DENNIS C. MONTOYA in these proceedings with respect to the water rights appurtenant to Tract 20.2A in Subfile 287 in the Chama Mainstream Section, and in support of this motion states the following:

1. Dennis C. Montoya, Anthony J. Maestas and Margaret C. Yuma were recently substituted in these proceedings for the original subfile defendant (Cidelia Martinez) in connection with the water rights appurtenant to Tract 20.2A in Subfile 287 in the Chama Mainstream Section. (See Order filed September 26, 2011, Doc. No. 10631). Dennis C. Montoya has contacted the Office of the State Engineer and informed the undersigned counsel that he has sold any interest he may have in Tract 20.2A to other individuals. The State has obtained a copy of the deed showing this change in ownership, filed with the Rio Arriba County Clerk in Book 531, Page 5439. Dennis C. Montoya's interest in Tract 20.2A is now owned by Matthew R. Montoya, Ray E. Montoya, Sr., and Petronila

J. Montoya. Anthony J. Maestas and Margaret C. Yuma also have an interest some portion of Tract 20.2A as previously determined by the State.

2. Pursuant to the Order filed August 25, 2011 (Doc. No. 10537), Matthew R. Montoya, Ray E. Montoya, Sr., and Petronila J. Montoya should be substituted for Dennis C. Montoya in these proceedings, and served with the Court's notice/order to show cause with respect to the State's proposed priority date for the water rights appurtenant to Tract 20.2A. A proposed form of notice/order to show cause to be served upon Matthew R. Montoya, Ray E. Montoya, Sr., Petronila J. Montoya, Anthony J. Maestas and Margaret C. Yuma will be submitted to the Court for review and approval following substitution of parties.

WHEREFORE the State of New Mexico requests the Court to enter its order substituting Matthew R. Montoya, Ray E. Montoya, Sr., and Petronila J. Montoya for defendant Dennis C. Montoya in these proceedings with respect to the water rights appurtenant to Tract 20.2A in Subfile 287.

Respectfully submitted,

/s/ Ed Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 867-7444 phone
(505) 867-2299 facsimile

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 11th day of October 2011, I filed the foregoing electronically through the CM/ECF system which caused the parties listed on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail, and served the following non-CM/ECF Participants in the manner indicated:

via first class mail, postage prepaid addressed as follows:

Dennis C. Montoya
10107 Brenda Ave.
Buena Park, CA 90620

Matthew R. Montoya
P.O. Box 772
Española, NM 87532

Ray E. Montoya, Sr.
P.O. Box 772
Española, NM 87532

Petronila J. Montoya
P.O. Box 772
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/s/ Ed Newville
EDWARD G. NEWVILLE